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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-00472 JF
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER CONTINUING HEARING DATE
v.	)	AND EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT
YONG YI OU,	)	
	)	
Defendant.	)	SAN JOSE VENUE
	)	

The undersigned parties respectfully request that the status hearing currently scheduled for December 3, 2008 be continued to January 7, 2009. The parties have discussed a tentative resolution to the case and need additional time to finalize a plea agreement. The parties anticipate that the defendant will enter a guilty plea at the next appearance. In addition, the parties jointly request an exclusion of time under the Speedy Trial Act from December 3, 2008 to January 7, 2009. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation and continuity of counsel.

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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

2 DATED: 12/1/08

3 /s/  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED: 12/1/08

6 /s/  
NICHOLAS P. HUMY  
Counsel for Ms. Ou

7  
8 Accordingly, for good cause shown, the Court HEREBY ORDERS that the status appearance  
9 scheduled for December 3, 2008 is continued to January 7, 2009 at 9:00 a.m.

10 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from  
11 December 3, 2008 to January 7, 2009. The Court finds, based on the aforementioned reasons,  
12 that the ends of justice served by granting the requested continuance outweigh the best interest of  
13 the public and the defendant in a speedy trial. The failure to grant the requested continuance  
14 would deny defense counsel reasonable time necessary for effective preparation, taking into  
15 account the exercise of due diligence, and would result in a miscarriage of justice. The Court  
16 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)  
17 and (B)(iv).

18 SO ORDERED.

19  
20 DATED: 12/3/08

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JEREMY FOGEL  
United States District Judge